

REMARKS

The Examiner's indication of allowable subject matter is noted with appreciation.

Claims 1-2, 4-9, 11, 14-23 and 25 are pending in the application. Claims 10, 12, 13 have been cancelled without prejudice or disclaimer. Claim 25 has been rewritten in independent form including all limitations of base claim 1 as presented in the previous Amendment, without otherwise touching the merits. Claim 1 has been amended to include the subject matter of claims 12 and 13 in the alternative, as well as the feature of intervening claim 10. No new matter has been introduced through the foregoing amendments. Entry of this Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

The 35 U.S.C. 103(a) rejection of claims 1, 17, 18 as being obvious over *Schwartz*, in view of *Gifford and Truitt* is respectfully traversed for the reasons presented herein below with respect to the 35 U.S.C. 103(a) rejections relying primarily on *Curtis Rogers*. The 35 U.S.C. 103(a) rejections relying primarily on *Schwartz* is further believed overcome in view of the above amendments, i.e., independent claim 1 now includes features of claims 10, 12, 13 which were not rejected over *Schwartz*.

Withdrawal of the rejection is now believed appropriate and therefore respectfully requested.

The 35 U.S.C. 103(a) rejections relying on *Curtis Rogers*, *Gifford and Truitt* are respectfully traversed for the reasons presented herein below.

The Office's obviousness rationale has failed to provide a clear articulation of the reason(s) why the claimed invention would have been obvious.¹

¹ Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 550 U.S. at 417, 82 USPQ2d at 1396.

The Office alleged that

- a. Positioning the pressure take-off point at a location of low turbulence is well known in the art, and
- b. Alternatively, *Truitt* teaches positioning a pressure take-off point in a region of low turbulence.

As to point a), Applicants respectfully disagree with the Office's position, because the evidence of record does not make it clear that positioning the pressure take-off point at a location of low turbulence is well known in the art. At the very least, *Schwartz*, *Curtis Rogers* and *Gifford* do not teach or suggest or even mention any desirability for turbulence reduction at the pressure take-off point. The alternatively cited reference of *Truitt* also fails to supply such a teaching as discussed herein below.

As to point b), Applicants respectfully disagree with the Office's position, because *Truitt* does not specifically teach or suggest positioning a pressure take-off point in a region of low turbulence. Rather, the reference is concerned with reducing turbulence in the fluid flow in overall. This can be best seen from Fig. 7 of *Truitt* which discloses that the ports (pressure take-off points) 68, 70 are not necessarily located in a region of low turbulence. From the teaching cited in the Final Office Action, i.e., column 7 lines 4-10, *Truitt* discloses a low-turbulence flow through element 74 (Fig. 7) which is located between ports 68, 70. Thus, one of the ports 68, 70 must be located upstream of element 74, i.e., in a region where turbulences have not been reduced. In other words, *Truitt* is not concerned with the placement of the ports (pressure take-off points), the reference is concerned with the overall flow.

Thus, contrary to the Office's position, *Truitt* would not have led a person of ordinary skill in the art to position a pressure take-off point in a region of low turbulence as suggested by the Office. Rather, the *Truitt* reference would have motivated, at best and if at all, the person of

ordinary skill in the art to improve the fluid flow in overall which, if combined with the other references, would fail to render the claimed subject matter obvious.

Thus, Applicants respectfully submit that the Office's proposed combination of the other applied references with *Truitt* is improper.

Notwithstanding the above and solely for the purpose of expediting prosecution, Applicants have further revised claim 1 to define *specific locations* for the pressure take-off point, i.e., "either (i) in said at least one of the segmental cross-sectioned portions or (ii) in the taper and facing the air outlet."

As discussed above, a person of ordinary skill in the art learning of the teaching of *Truitt* would have, at best and if at all, simply improved the overall flow in the device to be of low turbulence. The person of ordinary skill in the art would not have looked for a particular location for the port or pressure take-off point, much less the specifically claimed locations in claim 1.

Accordingly, Applicants respectfully submit that independent claim 1 is patentable over the applied art of record.

The dependent claims are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

All claims in the present application are now believed in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Benjamin J. Hauptman', is written over the printed name.

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